

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claims 1-4, 21-22 and 28-41 remain in this application.

Amendments to the Disclosure

Independent claims 1, 3, and 37 are amended to recite that the hard metal-plated layer at a less rigid portion of the internal combustion engine has a first thickness greater than a second thickness of the hard metal-plated layer at a more rigid portion of the internal combustion engine. The amendments find support in the specification and the drawing figures as originally filed (e.g., paragraphs [0019], [0079]; Figures 1, 5-8).

Claims 1, 3, 37 and 41 are further revised with minor formal amendments in consideration of U.S. practice and preferences. In particular, claim 37 recites the invention in a somewhat different form.

The amendments to the claims do not introduce new matter.

Substantive Matters - Rejections under Section 103

The Official Action rejected claims 1, 3, 21-22, and 34-41 under 35 U.S.C. 103(a) as being unpatentable over Great Britain Patent 931,710 (GB '710) in view of Tanaka (US 6,554,286; "TANAKA"), and further in view of Sakai (US 4,810,591; "SAKAI").

The Official Action rejected claims 1-3, 21-22, and 28-41 under 35 U.S.C. 103(a) as being unpatentable over Kawaguchi (5,286,039; "KAWAGUCHI") in view of GB '710 and further in view of SAKAI (4,810,591).

The rejections are respectfully traversed for at least the reasons that follow.

It is firstly noted that claims 1, 3, and 37 are amended, as stated above. It is respectfully submitted that none of the cited references teach or suggest the metal gasket as recited by the independent claims, requiring a thickness of the hard metal-plated layer to be correlated with a rigidity of the engine. Amended claims 1, 3, and 37 expressly recite the portion(s) of the metal-plated layer having a greater thickness as a function of this rigidity.

The cited references, individually or in combination, fail to teach or suggest this. On the contrary, GB '710 teaches that a thickness of the softer face or facings of the gasket may be adjusted to suit the finish of the mating faces of the joint (page 2, lines 92-97). GB '170 makes no disclosure of any relationship between thickness and rigidity of the internal combustion engine. SAKAI teaches thickness ranges (e.g., column 2, lines 32-35), but fails either to teach or suggest a relationship between the thickness of a hard metal-plated layer and a distribution of rigidity of the engine. TANAKA discloses thickness only as a function of the base plate 2 and the

reinforcement plate 3 (e.g., column 3 line 61 to column 4 line 5).

The sealing performance of the gasket as claimed in claims 1, 3, and 37 achieves a balance advantageous over to the prior art by way of increasing the amount of step at a less rigid portion of the engine in comparison to a more rigid portion. Neither the foregoing structural requirement nor the advantageous effect of this feature are taught or suggested by any the cited references, either individually or in combination.

It is therefore respectfully submitted that claims 1, 3, and 37 are novel and non-obvious over the references applied in the December 17, 2008 Official Action. Accordingly, it is respectfully submitted that claims 1, 3, and 37 are patentable.

It is also respectfully submitted that claims depending from claims 1, 3, and 37 are patentable at least for depending from a patentable claim.

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that Applicants have fully responded to the December 17, 2008 Official Action and that the claims as presented are patentable. In view of this, Applicants respectfully request reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, it is requested that the Examiner telephone the attorney for

Applicants at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Jeremy G. Mereness/  
Jeremy G. Mereness, Reg. No. 63,422  
209 Madison Street  
Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

JGM/dp